

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 91 of 1986

to

FIRST APPEAL No 96 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAJKOT MUNI.CORPORATION

Versus

BHURA MANJI

Appearance:

MR ARUN H MEHTA for Appellants
None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 07/09/98

ORAL JUDGMENT

These Appeals arise from the common judgment and award dated 30.4.85 of the 4th Extra Assistant Judge at Rajkot passed in Land Acquisition case No.92 of 1981 and

16/81 to 20/81 and they pertain to one and the same acquisition Notification under Section 4 of the Land Acquisition Act, 1894, and as such, they are being taken up for hearing together and are being disposed of by this common order.

2. The learned counsel for the appellant very fairly admits that in the Appeals arising out of Land Acquisition case No.16/81 to 20/81, the amount of additional compensation awarded by the reference Court is less than Rs.15,000/=. In view of two Division Bench decisions of this Court, namely (i) in the case of Special Land Acquisition Officer v. Shantaben, Chhitubhai's widow and Ors. in Civil Application No.7876 of 1997 and allied matters, decided on 10.9.97 and (ii) in the case of State of Gujarat v. Patel Pujabhai Nathabhai in Civil Application No.8700 of 1997 in First Appeal No.2579 of 1997, and allied matters decided on 21.4.98, these Appeals otherwise deserve no acceptance. In one appeal the subject matter of challenge of award is for an amount of more than Rs.20,000/=. The learned counsel for the appellants made only contention that the reference Court should not have blindly relied on the locality rate fixed by the Corporation for determining the market value of the land in question.

3. I have given my thoughtful considerations to the submissions made by learned counsel for the appellants.

4. The locality rate fixed by the Corporation is on the record of this proceeding at ex.67 and therefrom and particularly from item No.63 therein, I find that Rs.240/= per sq.mt. is the rate fixed for Kothi Fuvara to Parevadi Chowk. The learned reference court found that the acquired land is situated in the center of Parevadi Chowk which is surrounded by three high ways and therefore its potential value is very high. Taking into consideration this aspect the reference Court has fixed the market price of the acquired land at Rs.240/= per sq.mt. which is a rate approved on 25.11.72. This is also taken to be proximate in time. The learned counsel for the appellant does not challenge the aforesaid finding of the reference Court. In view of this unchallenged finding of the reference Court, I do not find any illegality in the finding of the reference Court where it has determined the market value of the acquired lands with reference to the locality rates fixed by the Corporation itself vide ex.67.

5. In the result, all these Appeals fail and the same are dismissed.

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(sunil)